

Filed for intro on 02/20/2003  
SENATE BILL 480 By  
Burks

HOUSE BILL 1323  
By Sontany

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 13, Part 1, relative to eligibility to file claims under the Criminal Injuries Compensation Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-13-105, is amended by adding the following to the end of subsection (b):

Provided, however, because a victim of the offense of statutory rape is by law incapable of giving effective consent to the underlying conduct constituting the offense, for purposes of this chapter such a victim is not considered criminally responsible, an accomplice or as having in any respect contributed to the crime for which the claim is based; and, therefore, such victim is not precluded from filing a claim pursuant to this chapter.

SECTION 2. Tennessee Code Annotated, Section 29-13-109, is amended by adding the following to the end of subsection (c):

Provided, however, because a victim of the offense of statutory rape is by law incapable of giving effective consent to the underlying conduct constituting the offense, for purposes of this chapter the behavior of such a victim shall not be considered as directly

or indirectly contributing to the victim's injury in determining whether to make an award or the amount of the award.

SECTION 3. Tennessee Code Annotated, Section 29-13-109, is further amended by adding the following to the end of subsection (d):

Provided, however, if by law the age of a victim renders such victim incapable of giving effective consent to the underlying conduct constituting an offense, then for purposes of this chapter such a victim shall not be deemed to have intended the act constituting the offense.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.